

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

CHEETAH OMNI, LLC,

Plaintiff,

v.

**FUJITSU NETWORK
COMMUNICATIONS INC.**

Defendant.

HONORABLE _____

Case No. _____

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT
AND DEMAND FOR JURY TRIAL**

Plaintiff, Cheetah Omni LLC (“Cheetah Omni”), for its Complaint against Fujitsu Network Communications Inc. (“Fujitsu”), alleges as follows:

THE PARTIES

1. Plaintiff, Cheetah Omni, is a Texas Limited Liability Company having its principal place of business at 647 Spring Valley Drive, Ann Arbor, Michigan.
2. Defendant Fujitsu Network Communications Inc. is organized and existing under the laws of the State of California, having a principal place of business at 2801 Telecom Parkway, Richardson, Texas 75082.

JURISDICTION

3. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35, United States Code.
4. The subject matter jurisdiction for this Court is founded upon 28 U.S.C. § 1338 (patents) and 28 U.S.C. § 1331 (federal question).
5. On information and belief, Fujitsu regularly conducts business in the State of Michigan and in the Eastern District of Michigan. Fujitsu is registered to do business in the State of Michigan, and has a registered agent at 30600 Telegraph Road, Suite 2345, Bingham Farms, Michigan 48025. Upon information and belief, Fujitsu regularly and continuously engage in substantial sales and other business transactions in the Eastern District of Michigan. The United States District Court for the Eastern District of Michigan therefore has *in personam* jurisdiction over Fujitsu.

THE PATENT-IN-SUIT

6. On May 3, 2005, U.S. Patent No. 6,888,661 (“the ‘661 patent,” Exhibit A), entitled “Square Filter Function Tunable Optical Devices,” was duly and lawfully issued to inventors Mohammed N. Islam and Amos Kuditcher.
7. Cheetah Omni, LLC is the owner by assignment of the ‘661 patent.

**COUNT I – INFRINGEMENT
OF U.S. PATENT NO. 6,888,661**

8. Plaintiff Cheetah Omni reaffirms and realleges the allegations contained in the above paragraphs 1-7.

9. Defendant Fujitsu has infringed and is infringing the '661 patent, either directly, by inducing others to infringe, and/or contributorily, by making, using, offering for sale, selling, and/or importing in the United States certain optical processing technology, including but not limited to the Flashwave 9500 Reconfigurable Optical Add Drop Multiplexer ("ROADM"). The allegations of this paragraph will likely have evidentiary support after a reasonable opportunity for further investigation or discovery.
10. Plaintiff Cheetah Omni has suffered damages as a result of the infringing activities of Fujitsu, and will continue to suffer such damage as long as those infringing activities continue.

PRAYER FOR RELIEF

WHEREFORE, plaintiff Cheetah Omni requests entry of a judgment against Fujitsu granting relief as follows:

- A. Finding defendant Fujitsu is liable for infringement of the '661 patent;
- B. Granting preliminary and permanent injunctive relief restraining Fujitsu, together with any officers, agents, servants, employees, and attorneys, and such other persons in active concert or participation with Fujitsu who receive actual notice of the order, from further infringement of the '661 patent;
- C. Awarding plaintiff Cheetah Omni damages adequate to compensate for Fujitsu's infringement;
- D. Declaring this an exceptional case within the meaning of 35 U.S.C. §285, and awarding plaintiff Cheetah Omni its reasonable attorney's fees, costs, and disbursements;
- E. Awarding plaintiff Cheetah Omni interest on all damages awarded; and

F. Granting such other, further and different relief as may be just and equitable on the proofs.

DEMAND FOR JURY TRIAL

Plaintiff Cheetah Omni hereby demands a trial by jury for all issues so triable.

Respectfully submitted,

BROOKS KUSHMAN P.C.

Dated: June 3, 2011

/s/ Thomas A. Lewry
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